IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1801 of 2007

Mr.Rihad P.A. Applicant
Vs.
Mrs. Shafira Abdul Rahiman & anr. Respondents

Mr.M.K.Kocharekar for applicant.
Mr.Javeed Hussein for resp.no.1.
Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 12, 2007.

P.C.

. Heard Mr.Kocharekar, the learned counsel for the applicant - complainant. He is aggrieved by the order of acquittal passed by the learned Metropolitan Magistrate, 30th Court, Kurla on 2/3/2007 in C.C. No. 3821/SS/2006. I have perused the depositions of the complainant as well as the accused. The accused had filed a complaint against the complainant with the Ernakulam police station in the State of Kerala alleging that the complainant had obtained signatures of the accused on blank papers and on blank cheques. The complainant was taken in custody and as on 3/1/2006 he was in the police station. In the complaint he had contended that the cheque dated 3/1/2006 which was dishonoured was received by him on

that day at Mumbai at his home. The learned Metropolitan Magistrate has held that the complainant has contradicted his own case in the complaint by his oral depositions in the cross-examination. As per the trial Court the transaction between the parties so far as the cheque is concerned, which was signed by the accused, has not been established as the debt or legally enforceable liability. The detailed reasoning set out by the trial Court in support of the order of acquittal does not call for reconsideration at the hands of this Court.

. Hence leave to appeal is refused and the application is rejected.

(B.H.MARL